

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JASON STEWART FERGUSON,  
Petitioner,  
v.  
THE STATE OF WASHINGTON  
Respondent.

Case No. C07-5615FDB

ORDER TO AMEND  
OR CHANGE CASE  
CAPTION

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR 4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 5). The court entered a Report and Recommendation that petitioner be denied in forma pauperis status. Petitioner has since paid the filing fee.

The court has reviewed the petition prior to service. Mr. Ferguson names the State of Washington as the only respondent. Mr. Ferguson was housed at the Mc Neil Island Correction Center at the time of filing and should have named the superintendent of that facility.

28 U.S.C. § 2243 indicates that writs are to be directed “to the person having custody of the person detained.” This person typically is the superintendent of the facility in which the petitioner is

## ORDER

1 incarcerated. Failure to name the petitioner's custodian deprives federal courts of personal  
2 jurisdiction. Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).

3 Petitioner is ordered to file an amended petition naming the proper respondent, or file a  
4 motion to change the case caption. The new petition or motion must be filed on or before **January**  
5 **11, 2007** or the court will recommend dismissal of this petition on jurisdictional grounds.

6 The clerk is ordered to send copies of this order to the petitioner.

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8 DATED this 6 day of December, 2007.

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/S/ J. Kelley Arnold

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J. Kelley Arnold

United States Magistrate Judge

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ORDER